



*United States Attorney
Eastern District of New York*

MKB:AEG/SD
F.#2007R02181

271 Cadman Plaza East
Brooklyn, New York 11201

November 17, 2009

By Hand and ECF

The Honorable Sterling Johnson, Jr.
United States District Judge
Eastern District of New York
225 Cadman Plaza East
Brooklyn, NY 11201

Re: United States v. Thomas Archer et al.
Criminal Docket No. 08-288 (S-1)(SJ)

Dear Judge Johnson:

The government respectfully requests an adjournment of the hearing scheduled for November 19, 2009 in the above-referenced case because two essential witnesses are unavailable. The government requests that the hearing be rescheduled for November 23 or 24.

Immediately after the November 16, 2009 conference we contacted Jason Raphael, Associate Regional Counsel, Department of Homeland Security ("DHS"), Citizenship and Immigration Services, and Marguerite Mills, Assistant Chief Counsel, DHS, Immigration and Customs Enforcement. We believe Mr. Raphael and Ms. Mills to be the appropriate individuals to address the questions the Court raised at the conference concerning the disclosure of A files to defense counsel. Mr. Raphael informed us that he is in Pittsburgh conducting training through the evening of November 19. Ms. Mills informed us that she has a longstanding court appearance scheduled before Immigration Judge Terry Bain of the Executive Office for Immigration Review on the

morning of November 19. Both Mr. Raphael and Ms. Mills will be available on November 23 and 24.

Respectfully submitted,

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By: /s/
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cc: Karina E. Alomar, Esq. (by facsimile and ECF)
Mildred Whalen, Esq. (by facsimile and ECF)